

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)



In Re:

JOHN DELGADO, AND KATHY A. DELGADO  
Debtors.

Case No.: 14-31677 (SLM)

Chapter: 13

Hearing Date: September 13, 2017

Judge: Stacey L. Meisel

JOHN DELGADO, AND KATHY A. DELGADO  
Plaintiffs.

v.  
RUSSELL KELLEY, AND KAREN KELLEY  
Defendants.

**Order Filed on September 22,  
2017 by Clerk, U.S. Bankruptcy  
Court - District of New Jersey**

Adv. No.: 16-01051(SLM)

RUSSELL KELLEY, AND KAREN KELLEY  
Third Party Plaintiff.

v.  
SPECIAL TREATS, LLC, JOHN DOES 1-100, AND  
ABC CORP. 1-100  
Third Party Defendants.

**ORDER DENYING MOTION WITHOUT PREJUDICE**

The relief set forth on the following pages, numbered two (2) through (2) is  
**ORDERED.**

**DATED: September 22, 2017**

A handwritten signature in cursive script, reading "Stacey L. Meisel".  
Honorable Stacey L. Meisel  
United States Bankruptcy Judge

Page 2 of 2

Debtor: John Delgado and Kathy A. Delgado  
Case No.: 14-31677 (SLM)  
Caption of Order: Order Denying Motion Without Prejudice

---

**THIS MATTER** having been brought before the Court on a Motion to Enforce Settlement Agreement and Authorize Recording of the Lien (Docket No. 63) (“**Motion**”) by Russell and Karen Kelley, this Court finds:

**WHEREAS** the Motion is deficient for the following reason(s):

- ☐ **Failure to use required Local Forms.** *See* D.N.J. LBR 9009-1.
- ☐ **Failure to follow the requirements of Local Rule 9013-1, specifically:**
  - ☐ **Failure to submit a notice of motion stating the date, time, and place of the hearing.** *See* D.N.J. LBR 9013-1(a)(1).
  - ☐ **Failure to submit a certification containing the facts supporting the relief requested in compliance with D.N.J. LBR 7007-1.** *See* D.N.J. LBR 9013-1(a)(2).
  - ☐ **Failure to submit a memorandum of law stating the legal basis for the relief requested, or a statement why a memorandum of law is unnecessary.** *See* D.N.J. LBR 9013-1(a)(3).
  - ☐ **Failure to submit a proposed form of order.** *See* D.N.J. LBR 9013-4.
  - ☐ **Failure to file a certification of service.** *See* D.N.J. LBR 9013-1(a)(5) and Local Form.
- ☒ **Failure to effectuate proper service.** *See* D.N.J. LBR 5005-1, Fed. R. Bankr. P. 9014, and Fed. R. Bankr. P. 7004 as well as the Register of Governmental Units available on the Court’s website.
- ☒ **Other:** Although movant served debtor’s counsel, movant failed to serve debtor.

It is hereby

**ORDERED** that the Motion is DENIED, without prejudice.

**Certificate of Notice Page 3 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
John Delgado  
Kathy A. Delgado  
Debtors

Case No. 14-31677-SLM  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

Date Rcvd: Sep 25, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 27, 2017.

db/jdb +John Delgado, Kathy A. Delgado, 84 John Street, Saddle Brook, NJ 07663-5201

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 27, 2017

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 25, 2017 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
nj.bkecf@fedphe.com  
Christopher J. Balala on behalf of Creditor Russell Kelley cbalala@scuramealey.com,  
ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
Christopher J. Balala on behalf of Creditor Karen Kelley cbalala@scuramealey.com,  
ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
David L. Stevens on behalf of Creditor Russell Kelley dstevens@scuramealey.com,  
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
David L. Stevens on behalf of Creditor Karen Kelley dstevens@scuramealey.com,  
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Guillermo Gonzalez on behalf of Creditor Russell Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
Guillermo Gonzalez on behalf of 3rd Party Plaintiff Russell Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
Guillermo Gonzalez on behalf of Counter-Claimant Russell Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
Guillermo Gonzalez on behalf of Creditor Karen Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
Guillermo Gonzalez on behalf of Counter-Claimant Karen Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
Guillermo Gonzalez on behalf of 3rd Party Plaintiff Karen Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
Guillermo Gonzalez on behalf of Defendant Karen Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
Guillermo Gonzalez on behalf of Defendant Russell Kelley ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com/cbalala@scuramealey.com/ascolavino@scuramealey.com  
John J. Scura, III on behalf of Creditor Karen Kelley jscura@scuramealey.com,  
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/ascolavino@scuramealey.com/dsklar@scuramealey.com  
John J. Scura, III on behalf of Creditor Russell Kelley jscura@scuramealey.com,  
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/ascolavino@scuramealey.com/dsklar@scuramealey.com  
Leonard S. Singer on behalf of Counter-Defendant John Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of 3rd Pty Defendant Kathy A. Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of Plaintiff John Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 2 of 2  
Total Noticed: 1

Date Rcvd: Sep 25, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Leonard S. Singer on behalf of Counter-Defendant Special Treats, LLC zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of Counter-Defendant Kathy A. Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of Joint Debtor Kathy A. Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of 3rd Pty Defendant John Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of Plaintiff Kathy A. Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of Debtor John Delgado zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Leonard S. Singer on behalf of 3rd Pty Defendant Special Treats, LLC zsbankruptcy@gmail.com,  
r57125@notify.bestcase.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Mark E. Hall on behalf of Mediator Mark Hall mhall@foxrothschild.com

TOTAL: 28